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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,825	07/17/2000	Andrea Drei		7759

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EXAMINER

TSAI, HENRY

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/617,825	Applicant(s) DREI, ANDREA	
	Examiner Henry W.H. Tsai	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2000 is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 03 January 2002 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Reissue Applications

1. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Claims 1-34 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in claim 1, line 4, "the pusher adapted

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to connect with a collet"; and in claim 1, lines 9-13, "inserting the bar into the collet" and then "said pusher is aligned with the bar deposited" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Further the more detailed drawings to show the collet, the relative position of the collet, the carriage, the stacked brackets, and how to push and extract the bar are required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-34 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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Note at Col. 4, lines 11-12, it is not clear how the bar 17 can be inserted in the collet of the bar pusher 39. In accordance with Fig. 2, the collet of the bar pusher 39 will be blocked by the stack of the brackets 22 when the carriage 6 has reached the left stroke limit. Similarly, at Col. 4, lines 17-19, it is not clear how to extract the bar stub from the collet of the bar pusher. Detailed descriptions and drawings to show the collet, the relative position of the collet and the carriage, the relative position of the collet and the stacked brackets 22, and how to push and extract the bar are required.

Appropriate correction is required.

5. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, it is not clear how to define "the rear end of the released bar" since it was not well defined.

In claim 1, lines 9-13, as set forth, it is not clear how to have "inserting the bar into the collet" and then "said pusher is aligned with the bar deposited" since they were not

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described and shown in the drawings. Similar problems exist in the other claims 8, 19, and 27.

In ~~claim~~ 25, line 3, it is not clear what is meant by "intothe". Should " intothe " read - into the -- ?

In ~~claim~~ 25, line 2, it is not clear whether "a bar" is the same as that mentioned in claim 19, line 5. Should "a" read -- the-- ?

In ~~claim~~ 27, lines 8-9, "the final position" lacks proper antecedent basis since it was not defined previously.

In ~~claim~~ 28, line 3, it is not clear whether "a bar" is the same as that mentioned in claim 27. Should "a" read --the--since the bar is released by the mechanism then pushed by the bar pusher?

Applicant is required to review the claims and correct all language which does not comply with 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 USC § 102

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 19, 22, 23, 25, 26-29, 32 and 33, as best understood, are rejected under, 35 U.S.C. 102(b) as being anticipated by Werkmeister et al. (3,582,000).

As to claims 19 and 27, Werkmeister et al. discloses the claimed invention comprising, as shown in Fig. 1, a mechanism for the individual release of the bars(43) and a bar pusher(44) for pushing a bar into a spindle of an automatic lathe(A), the bar pusher being adapted to connect with a collet(45) which is adapted to receive the rear end of a released bar(43), and further comprising: a carriage(9) having grip elements(22/22 or 52/53 in Fig. 7) for a bar to be advanced, the carriage being slidably actuated between an initial position(Fig. 5), wherein the grip elements are actuated so as to grip the bar(43) deposited thereon and a final position (see Col. 3, lines 54-57)

where the bar is released by the grip elements after inserting the bar in the collet(45) and into the spindle of the lathe; the bar pusher(44) being supported for translatory movement; and the bar pusher being aligned with the deposited bar when the carriage is in the final position.

Note Werkmeister et al. also discloses: as to claims 22 and 32, the grip elements comprising V-shaped blade elements which are actuated in manual contrast to grip the released bar interposed therebetween them as clearly shown in Fig. 2; as to claims 23 and 33, the grip elements(52, 53) being fixed on two respective posts(54, 55) which are parallel and sliding supported in the carriage(9) and have racks which mesh with a pinion(74), with which a lever(72) is radially rigidly coupled as clearly shown in Figs. 7 and 8; and as to claims 25, 26, 28, and 29, a guide(42) operatively associated with the carriage(9), the guide supporting a bar(43) when such bar is advanced into the collet; and the guide(42) including a plurality of supporting elements(the contact surfaces inside 42) as shown in Fig. 2.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 24, and 34, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Werkmeister et al. in view of Link(5,662,2014).

Werkmeister et al. discloses the claimed invention except for: a fluid actuated jack mounted on the carriage acting on the lever.

Link discloses a bar-feeding machine comprising a fluid actuated jack(294) mounted on the carriage(274') acting on the lever(286a or 286b) as shown in Fig. 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Werkmeister et al.'s device to comprise a fluid actuated jack mounted on the carriage acting on the lever, as taught by Link, in order to increase the force for clamping the bar mounted in the

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Werkmeister et al.'s device. Besides, using the fluid actuated jack is just an alternative moving drive comparing with that of Werkmeister et al.'s device (solenoid 71) using electricity.

Response to Amendment

10. Applicant's arguments filed 1/3/02 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the 35 U.S.C. §112, first and second paragraph problems, Applicant's response has not completely overcome these objections and rejections.

Applicants argue that a "collet" and an element, such as a "bar pusher", being adapted to connect with the collet are conventional features of which the illustration is not essential for a proper understanding of the invention. Thus, the objection (to the original drawings) is improper (page 7, lines 5-9). Examiner disagrees with Applicants. The "collet" and "bar pusher" are well known terms in the art. However, as set forth in the rejections above, in claim 1, lines 9-13, it is not clear how to have "inserting the bar into the collet" and then "said pusher is aligned with the bar deposited" since they were not described and shown in the drawings. Further, in Col. 4,

lines 11-12, it is not clear how the bar 17 can be inserted in the collet of the bar pusher 39. In accordance with Fig. 2, the collet of the bar pusher 39 will be blocked by the stack of the brackets 22 when the carriage 6 has reached the left stroke limit. Similarly, at Col. 4, lines 17-19, it is not clear how to extract the bar stub from the collet of the bar pusher. Detailed descriptions and drawings to show the collet, the relative position of the collet and the carriage, the relative position of the collet and the stacked brackets 22, and how to push and extract the bar are required.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Henry Tsai whose telephone number is (703) 308-7600. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington can be reached on (703) 308-2159. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed

to the TC 3700 receptionist whose telephone number is (703) 308-1148.

12. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into: **the Group at fax number 703-872-9302; and Official faxes for After Final amendments should be sent to 703-872-9303.** This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3700 will be promptly forward to the examiner.



HENRY TSAI
PRIMARY EXAMINER

November 8, 2002